

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-226
)
 3 State of New Hampshire Banking Department,)
)
 4 Petitioner,)
)
 5 And) AMENDED
) Order to Show Cause
 6 Cash Advance USA (a/k/a and d/b/a for Liberty)
)
 7 Capital Investments, LLC),)
)
 8 Respondent,)
)
 9)

10 NOTICE OF AMENDED ORDER TO SHOW CAUSE AND CEASE AND DESIST ("ORDER")

11 1. This Order commences an adjudicative proceeding under the provisions
12 of Chapter RSA 399-A (including RSA 399-A:7, II; RSA 399-A:8, I and RSA 399-
13 A:16, IV) and RSA 541-A.

14 2. The Commissioner may impose administrative fines up to a maximum of
15 \$2,500.00 for each violation. RSA 399-A:18, V and VI.

16 RESPONDENTS

17 3. Cash Advance USA (a/k/a and d/b/a for Liberty Capital Investments,
18 LLC) ("Respondent") is a limited liability company not registered with the
19 State of Florida Secretary of State with a possible principal office
20 location in Miami, Florida or Orlando, Florida. Respondent is a "Person"
21 (RSA 399-A:1,XII) and a "lender" (RSA 399-A:1,VIII).

22 4. Respondent has never held a New Hampshire small loan lender license
23 pursuant to RSA Chapter 399-A.

24 RIGHT TO A HEARING

25 5. Respondent has the right to request a hearing of this Order. A hearing

1 shall be held not later than ten (10) days after the Commissioner receives
2 the Respondent's written request for a hearing. Respondent may request a
3 hearing and waive the ten (10) day hearing requirement. The hearing shall
4 comply with RSA 541-A, RSA 399-A:7, II and RSA 399-A:8, I.

5 6. If Respondent fails to request a hearing within thirty (30) days of
6 receiving this Order, then Respondent shall likewise be deemed in default,
7 and the Order shall, on the thirty-first (31st) day, become permanent, all
8 allegations may be deemed true, and shall remain in full force and effect
9 until modified or vacated by the Commissioner for good cause shown. RSA
10 399-A:7, II and RSA 399-A:8, I.

11 7. A default may result in administrative fines as described in Paragraph
12 2 above.

13 **STATEMENT OF ALLEGATIONS**

14 8. On or about April 16, 2008, the Department received a complaint from a
15 New Hampshire consumer ("Consumer A") against Respondent regarding a payday
16 loan borrowed by Consumer A in April 2007.

17 9. The Department investigated and found that Respondent operated a
18 website at "www.cashadvanceusa.com" offering payday loans to consumers.

19 10. The URL registration from a www.whois.com search listed "Liberty
20 Capital Investments" as Respondent's registrant.

21 11. As a result of the investigation, on August 4, 2008, the Department
22 sent a letter via U.S. Certified Mail (return receipt) to Respondent in
23 Miami, Florida, requesting that it provide the Department with information
24 concerning its New Hampshire clients and noticing Respondent of the
25 necessity to obtain licensure pursuant to RSA 399-A:2. The Department

ORDER

18. **I hereby find as follows:**

a. Pursuant to RSA 399-A:7, II, the facts as alleged above, if true, show Respondent is operating or has operated in violation of RSA Chapter 399-A and form the legal basis for this Order;

b. Pursuant to RSA 399-A:16, VI, this Order is necessary and appropriate to the public interest and for the protection of consumers and consistent with the purpose of New Hampshire banking laws;

c. Pursuant to RSA 399-A:8, I, reasonable cause exists to issue an order to cease and desist;

d. Pursuant to RSA 399-A:7, II and 399-A:8, I, if Respondent fails to respond to this Order and/or default then all facts as alleged herein are deemed as true.

19. **Accordingly, it is hereby ORDERED that:**

a. Respondent shall immediately cease and desist from violating RSA Chapter 399-A and rules or orders thereunder;

b. Respondent shall within fourteen (14) days of the date of this Order provide to the Department a list of all New Hampshire consumers for whom Respondent has conducted or contracted to conduct payday loan or other small loan activities. This list must include the names and contact information of the New Hampshire consumers, along with all monies charged, collected and waived (if applicable). The list shall also be accompanied by all contracts, checks to and from the consumer and any other documents in the New Hampshire consumers' files;

c. Respondent shall show cause as to why, pursuant to RSA 399-A:18,

1 II, the Commissioner should not enter an order for reimbursement to Consumer
2 A of any and all finance charges, delinquency charges, or collection charges
3 paid on the contract;

4 d. Respondent shall show cause as to why, pursuant to RSA 399-A:18,
5 V, administrative fines up to the maximum amount of \$2,500.00 for each
6 violation should not be imposed as follows:

7 (1). Respondent:

8 Violation #1: Unlicensed activity as a payday loan
9 lender (RSA 399-A:2,I) - 1 count; and

10 Violation #2: Failure to produce requested documents
11 relevant to an investigation (399-A:10,II) - 1 count.

12 e. Nothing in this Order shall prevent either 1) the Department
13 from taking any further administrative and legal action as necessary under
14 New Hampshire law or 2) the New Hampshire Office of the Attorney General
15 from bringing an action against the above-named Respondent in any New
16 Hampshire superior court, with or without prior administrative action by the
17 Commissioner.

18
19 **SO ORDERED.**

20
21 _____ /s/

Dated: August 3, 2011

22 RONALD A. WILBUR
23 BANK COMMISSIONER